

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

RONALD VOID,

Petitioner,

v.

BARRY SMITH and THE ATTORNEY
GENERAL OF THE STATE OF PA,

Respondents.

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CIVIL ACTION NO. 19-4913

ORDER

AND NOW, this 4th day of September, 2020, after considering (1) the petition for a writ of habeas corpus under 28 U.S.C. § 2254 filed by the *pro se* petitioner, Ronald Void (Doc. No. 1), (2) the respondents' response in opposition to the petition for a writ of habeas corpus (Doc. No. 12), and (3) United States Magistrate Judge Thomas J. Rueter's report and recommendation (Doc. No. 13), it is hereby **ORDERED** as follows:

1. The clerk of court is **DIRECTED** to **REMOVE** this action from civil suspense and **RETURN** it to the court's active docket;
2. The Honorable Thomas J. Rueter's report and recommendation (Doc. No. 13) is **APPROVED** and **ADOPTED**;¹
3. The petitioner's petition for a writ of habeas corpus under 28 U.S.C. § 2254 (Doc. No. 1) is **DISMISSED WITH PREJUDICE** and without an evidentiary hearing;

¹ Since neither party filed objections to Judge Rueter's report and recommendation, the court need not review the report before adopting it. *Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir. 1987). Nonetheless, "the better practice is for the district judge to afford some level of review to dispositive legal issues raised by the report." *Id.* As such, the court will review the report for plain error. *See Oldrati v. Apfel*, 33 F. Supp. 2d 397, 399 (E.D. Pa. 1998) ("In the absence of a timely objection, . . . this Court will review [the magistrate judge's] Report and Recommendation for clear error." (internal quotation marks omitted)). The court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). Here, the court has reviewed Judge Rueter's report for plain error and has found none.

4. The petitioner has not made a substantial showing of the denial of a constitutional right and is therefore not entitled to a certificate of appealability, 28 U.S.C. § 2253(c)(2); and

5. The clerk of court shall mark this case as **CLOSED**.

BY THE COURT:

/s/ Edward G. Smith
EDWARD G. SMITH, J.